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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,212	11/10/2000	Clay Davis	BMC1110-1	4601

25094 7590 08/06/2004

GRAY, CARY, WARE & FREIDENRICH LLP  
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EXAMINER
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LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/710,212	DAVIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Le H Luu	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 4,5,16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-15 and 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7/7/03</u> . | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1-22 are presented for examination.
2. Applicant is requested to update status of copending application discussed in the specification in responding to this Office Action.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language,

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 9-15, 21-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Shelton et al. (Shelton)** patent no. **6,418,471**.
5. As to claim 1, Shelton teaches the invention as claimed, including a method for replaying a predefined path through a set of web pages comprising:  
selecting a saved request corresponding to a saved URL from a request history  
(col. 2 lines 33-37; col. 18 lines 29-32);

if the saved request is a form request, selecting a best-fit form from a set of forms in an originating web page as a target URL (col. 2 lines 38-42);

if the saved request is not the form request, selecting a best-fit URL in the originating web page as the target URL (col. 18 lines 24-32); and

sending a replay request to the target URL (col. 11 lines 49-64; col. 18 lines 24-32).

6. As to claims 2-3, Shelton teaches a set of replay form parameters comprises save form parameters and merged form parameters that includes current configuration of the originating web page (col. 2 lines 38-42; col. 8 lines 4-45; col. 10 line 16 - col. 11 line 2).

7. As to claims 9-11, Shelton teaches set of headers so that a target web page returns the same contents so that a target web page returns the same contents as if the replay request were made from a particular type of browser, and a set of cookies contains a modified cookie corresponding to a saved cookie, wherein the modified cookie has been modified such that a target web page returns content as if the replay request were made by a new user, and the save request is a POST or a GET (col. 2 lines 33-46; col. 7 lines 8-63; col. 18 lines 5-64).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

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matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8 and 18-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Shelton et al. (Shelton)** patent no. **6,418,471**, in view of **Anupam et al. (Anupam)** patent no. **6,535,912**.

10. As to claims 6-8, Shelton teaches the invention substantially as claimed as discussed above. In addition, Shelton teaches if the URL of a link exactly matches the saved URL, selecting the link as the best-fit URL (col. 2 lines 38-42; col. 10 lines 43-60). However, Shelton does not explicitly teach selecting a nonmatching URL as the best-fit URL. Anupam teaches choosing a closest matching link as a "best match" link (col. 9 line 26 - col. 11 line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Shelton and Anupam to select a nonmatching URL as the best-fit URL as taught by Anupam because it would provide a target URL that has best match information.

11. Claims 12-15 and 18-27 have similar limitations as claims 1-3 and 6-11; therefore, they are rejected under the same rationale.

12. In the remarks, applicant argued in substance that

(A) Prior art does not teach

i. Dynamically created URLs.

ii. Selecting a best-fit form from a set of forms in an originating web page as a target URL where the best-fit form is selected by comparing the saved request against the forms in the originating web page. This best fit form may not be identical to the saved request.

As to point (A), Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In *re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In *re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). Therefore, limitations that are argued by applicant but are not in claimed language are not being considered by Examiner.

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13. Applicant's arguments filed on 05/10/2004 have been fully considered but they are not deemed to be persuasive.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this final action should be mailed to:



**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications; please mark  
"EXPEDITED PROCEDURE").

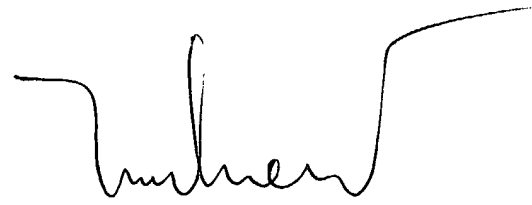
**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

**Or:**

(703) 746-7238 (for After Final  
communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).



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LE HIEN LUU  
PRIMARY EXAMINER

August 02, 2004